

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 3:15-CR-533 RS
	)	
Plaintiff,	)	STIPULATION AND
	)	<del>PROPOSED</del> ORDER CHANGING DATE FOR
v.	)	SENTENCING AND EXCLUDING TIME
	)	UNDER THE SPEEDY TRIAL ACT
CARY COLLINS,	)	
	)	
Defendant.	)	
	)	
	)	

The parties, with the consent of the defendants, hereby stipulate as follows:

1. The sentencing hearing for Counts Four and Eight in this case is currently set for May 29, 2018, at 2:30 p.m. The victim of Counts Four and Eight has a scheduling conflict with that sentencing date. Therefore, to provide the victim an opportunity to attend the sentencing hearing pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771(a)(4), the parties hereby stipulate that the sentencing hearing be moved to June 1, 2018, subject to the Court's acceptance and availability.

2. The United States conferred with Probation Officer Aakash Raju on February 14, 2018, and Officer Raju is available on June 1, 2018.

3. Additionally, the status hearing for severed Count Nine, which remains pending against the defendant, is currently set for May 29, 2018, at 2:30 p.m. Should the Court accept the parties'

1 stipulation above to move the sentencing hearing for Counts Four and Eight in this case to June 1, 2018,  
2 the parties also hereby stipulate that:

- 3           a. The status hearing for Count Nine be moved to the same time as the sentencing hearing  
4           for Counts Four and Eight on June 1, 2018.
- 5           b. The parties jointly and respectfully request that the Court issue the proposed order  
6           excluding time under the Speedy Trial Act based on the following:
- 7                i. The United States has provided the defendant with discovery materials regarding  
8                severed Count Nine, and the defendant requires additional time to review the  
9                discovery and to prepare effectively with defense counsel. A delay regarding  
10              severed Count Nine is also appropriate based on the delay resulting from the trial  
11              proceedings that were previously pending and that related to Counts One through  
12              Eight against the defendant.
- 13              ii. There is good cause to exclude time under the Speedy Trial Act as the ends of  
14              justice from such an exclusion outweigh the best interest of the public and the  
15              defendant in a speedy trial. Specifically, such an exclusion provides defense  
16              counsel reasonable time for effective preparation, taking into account due  
17              diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv). Additionally, such an  
18              exclusion is appropriate as the delay results from the trial proceedings that have  
19              been pending and that have related to other charges against the defendant. 18  
20              U.S.C. § 3161(h)(1)(B).

21 IT IS SO STIPULATED.

22 DATED: February 21, 2018

/s/ with permission  
ELIZABETH MEYER FALK  
Counsel for Defendant Collinsp

ALEX G. TSE  
Acting United States Attorney

27 DATED: February 21, 2018

/s/ Jeffrey Shih  
JEFFREY SHIH  
Assistant United States Attorney

1 **~~PROPOSED~~ ORDER CHANGING DATE FOR SENTENCING AND**  
2 **EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT**

3 Based on the stipulation of the parties, the consent of the defendant, and on good cause shown,  
4 the Court orders that the sentencing hearing for Counts Four and Eight and the status hearing for Count  
5 Nine, which are both currently set for May 29, 2018, are hereby moved to June 1, 2018, at 9:30 am

6 Additionally, the time period from the date of this Order, through and including the June 1, 2018,  
7 is excluded under the Speedy Trial Act. The Court bases this exclusion of time and makes the findings  
8 as stipulated by the parties above.

9 IT IS SO ORDERED.

10 Dated: February 26, 2018



HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE